The Arraignment, Tryal *and* Condemnation *of* DAVID LINDSEY, *late Secretary to the Lord* Melfort, *for* High Treason, *at the* Queen's-Bench-Bar *at* Westminster, *before the Right Honourable the Lord Chief Justice* Holt, *the Lord Chief Justice* Trevor, *&c.*

25. April. 1704.

ON *Thursday*, the 20th of this Instant *April*, Mr. *David Lindsey* was brought by the Keeper of the Gate-house, to the Queen's-Bench-Bar, and Arraign'd before the Lord Chief Justice *Trevor*, &c. for being in *France*, and coming over into *England*, without Licence from under the privy Seal, contrary to an Act of Parliament made after the Peace of *Ryswick*. To which Indictment he pleaded Not Guilty, and then made a short Speech to this Effect, That he should, upon his Tryal, confess most of what was charged upon him in the Indictment, *viz.* his being in *France*, and returning into *England*, but he said there was something singular in his Case, and therefore desired he might have Council assign'd him, *viz.* Mr. *Williams*, and Mr. *Raymond*, which the Court accordingly granted him. Then he pray'd that his Wife and Children might have liberty to come to him in the Prison, which the Court allow'd, as is usual in such Cases, in the presence of the Keeper. And then the Court adjourn'd to *Munday April* the 24th, and the Prisoner had a Copy the next Day of his Panuel sent to him by Mr. *Barret*, the Queen's Solliciror.

On *Munday* the 24th instant, the Court met, according to the said Adjournment, where were present the Lord Chief Justice *Holt*, the Lord Chief Justice *Trevor*, and others of the Judges. And the Jury being called, and sworn, (without any Exception of the Prisoner) the Indictment was read to him, and most of the Facts being confest by him, he desired to be heard by his Council, alledging, That he was a Native of *Scotland*, and as such, was pardoned by the Queen's gracious Proclamation of Indemnity in *Scotland*; and accordingly his Council proceeded to make his Defence. And after some Debate, he call'd some Witnesses to prove that he was born in *Scotland*, one of which testified, That when he was a Child, he knew him and his Father at *Dundee* in *Scotland*: And others, That they had known him for twenty Years in *England*, and that he was reputed a Scotch-man. Then his Council, in his behalf, urged several Points of Law, and having been patiently heard by the Court, the Queen's Council learnedly answered them, to the satisfaction of the Court. After which, the Right Honourable, the Lord Chief Justice *Holt*, having fully stated the Case, and summ'd up the Arguments as well for the Prisoner, as the Queen, left it to the Jury, who withdrawing for about half an Hour, return'd and brought the Prisoner in Guilty, and then adjourn'd to Five a clock.

At Five of the clock the Court met, and the Prisoner being askt why Judgment should not be pronounced against him according to Law, he again desired to be heard by his Council, who, in arrest of Judgment, insisted upon the Insufficiency of the Indictment, which being learnedly answer'd by the Queen's Council, and fully consider'd by the Court, and over-ruled, Sentence of Death, as in Cases of High Treason, was past upon him. And then the Prisoner pray'd the Court to intercede with the Queen for him. After which, he desired he might have a Minister of the Church of *England* permitted to come to him, and his Wife and Children, which was accordingly granted.

☞ *The Tryal of* David Lindsey *at large, with all the learned Arguments on both Sides thereupon, will be published very speedily, and sold by* Isaac Cleve *in* Chancery-lane.

London Printed, and Sold by *J. Nutt*, near *Stationer's-Hall*. 1704.